

Bill of Exception

Cause No. F96-39973-MJ

Kerr County No. A96-253

Court of Criminal Appeals No. 72,795

The State of Texas v. Darlie Lynn Routier
In the Criminal District Court NO 3
Dallas County, Texas

DEFENDANT'S FORMAL BILL OF EXCEPTION NO. 1

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW DARLIE LYNN ROUTIER, defendant in the above styled and numbered cause and files this her first formal bill of exception and respectfully requests the Court to approve the same in order that the record will speak the truth:

1. On September 1, 2000, the Court, in a conference with Libby Lange, Assistant District Attorney, and J. Stephen Cooper, counsel for the defendant, stated that a hearing on the defendant's written objections to the "Simmons record" would be held on September 8, 2000;
2. On September 1, 2000, the defendant presented to the Court defendant's written application to subpoena an out-of-state witness, Charles Linch, and the Court verbally authorized the Hon. Molly Francis, Presiding Judge of the 283rd Judicial District Court of Dallas County, Texas, to sign the appropriate certificate to authorize the requested subpoena;

DEFENDANT'S FORMAL BILL OF EXCEPTION NO. 2.-- Page 1
/appeal/routier

3. On or about September 6, 2000, one or more representatives of the Dallas County District Attorney's Office made an *ex parte* request of the Court to seal the Defendant's Motion To Suppress The Involuntary Statement That The Prosecutor Obtained From Court Reporter Sandra Halsey About The Audio Tapes And It's Tainted Fruits. The State's request to seal this motion to suppress was granted by the Court without notice to the defendant, without a hearing, and without a written order.

4. Both the application for the out-of-state subpoena for Charles Linch and the defendant's motion to suppress identified in paragraphs 2 and 3 above were filed on September 1, 2000, and the file-mark on each of "2000 August 32 (sic)" are erroneous.

5. On September 7, 2000, at 3:14 p.m., the Court filed a written order which cancelled the hearing scheduled for September 8th without giving the defendant an opportunity to be heard on the matter.

WHEREFORE, PREMISES CONSIDERED, the defendant prays the Court approve this bill

of exception, sign the same, and file it with the trial court clerk or set this matter for a hearing.

DEFENDANT'S FORMAL BILL OF EXCEPTION NO. 1 -- Page 2
/appeal/routier

Respectfully submitted,

J. STEPHEN COOPER
3524 Fairmount Street
Dallas, Texas 75219
214-522-0670
FAX 214-522-0670
SEN 04780100

STEVEN LOSCH
906 Delia Drive
Longview, Tx. 75601
903-234-1373
SBN 00789805

Counsel for Defendant

CERTIFICATE OF SERVICE

A true and correct copy of this motion was served on Libby Lange, Assistant District Attorney, by fax, on this the _____ day of September, 2000.

J. STEPHEN COOPER

DEFENDANT'S FORMAL SILL OF EXCEPTION NO. 1 -- Page 3
/appeal/routier